

**REMARKS**

Claims 30-32, 34-36, and 38-40 are currently pending in the above-referenced patent application. Claims 33, 37, 41, and 42 have been cancelled by way of the present Amendment. In the Office Action, claims 30-32, 34-36, and 38-40 were rejected under U.S.C. § 102(b) as being anticipated by Omura (U.S. Patent No. 5,235,615).

**In response to the rejection of claims 30-32, 34-36, and 38-40 under 35 U.S.C. § 102(b), the Applicant respectfully requests reconsideration.** Claims 30-32 recite that each of a plurality of reverse communication channels and each of a plurality of forward communication channels have a unique code and utilize the same frequency band that comprises forward and reverse direction communication channels. Claims 34-36 recite a reverse communication channel and a forward communication channel that each have a unique code and utilize the same frequency band that comprises forward and reverse direction communication channels. Claims 38-40 recite that each of a plurality of reverse communication channels and forward communication channels each have a unique code and utilize the same frequency band that comprises forward and reverse direction communication channels.

Omura relates to a spread spectrum method. In column 2, lines 59-63, it is disclosed that "[f]or a particular two-way communications channel between a particular mobile using and the base station, the unique chip codeword used for the base-communications signal and the remote-communications signal, respectively, [is] the same." Accordingly, the base-communications signal and the remote-communications signal disclosed in Omura do not each

have a unique code. This is evident and apparent, as the "unique chip codeword" is disclosed in Omura as being the same for the base-communications signal and the remote-communications signal. At least for this reason, a *prima facie* case of anticipation has not been established in the rejection of claims 30-32, 34-36, and 38-40 under 35 U.S.C. § 102(b).

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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